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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 01.04.2024

+ **CRL.M.C. 2540/2024**

BHARAT KHATRI & ORS.

..... Petitioners

Through: Mr. Keshav Kumar and Mr.Dinesh Kumar Tangad, Advocates alongwith petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for the State with SI Suresh Bhatia, PS Timarpur. Mr.Vibhor Gaala and Ms. Disha Arora, Advocates with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 9686/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 2540/2024 & CRL.M.A. 9685/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 11/2020, under Sections 498A/406/34 IPC registered at P.S.: Timarpur and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for



respondent No.2 alongwith respondent No.2 in person, appear on advance notice and accept notice.

3. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 11.11.2016. A female child was born out of the wedlock. Due to temperamental differences, respondent No.2 and petitioner No.1 started living separately. Present FIR was registered at the instance of respondent No.2 on 11.01.2020.

4. The disputes are stated to have been amicably settled between the parties in terms of the order dated 21.10.2023 passed by learned MM (Mahila Court), Tis Hazari Courts, Delhi. It is agreed between petitioner No.1 and respondent No.2 as stated by them that custody of the minor child shall remain with respondent No.2 as petitioner No.1 is partially afflicted with paralysis. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 26.02.2024.

5. A balance amount of Rs. 4,00,000/- has been paid to respondent No.2 today through DD No.434255 dated 27.03.2024 drawn on Canara Bank, Janakpuri, D Block, New Delhi Branch in favour of respondent No.2.

6. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

7. Petitioners and respondent No. 2 are present in person and have been identified by SI Suresh Bhatia, PS: Timarpur. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states



that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 11/2020, under Sections 498A/406/34 IPC registered at P.S.: Timarpur and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

APRIL 01, 2024/v